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August 24, 2010

**VIA E-MAIL & FEDEX**

Mr. Valmichael Leos, EPA Project Coordinator (6SF-RA)  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6SF-RA)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Ms. Barbara A. Nann, Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6RC-S)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Re: Administrative Settlement Agreement and Order on Consent for  
Removal Action, San Jacinto River Waste Pits Site (the "Site"),  
U.S. EPA Region 6 CERCLA Docket No. 06-12-10 ("AOC") –  
Request for Extension of Deadline in Paragraph 45.b of the AOC

Dear Valmichael and Barbara:

This letter is being submitted jointly on behalf of International Paper Company ("International Paper") and McGinnes Industrial Maintenance Corporation ("MIMC"), as Respondents under the above-referenced AOC. Capitalized terms used in this letter and not otherwise defined have the meaning ascribed to such terms in the AOC.

Paragraph 45.b of the AOC requires Respondents, within 30 days of EPA's issuance of EPA's Approval of Preferred Alternative Memo, to submit a Work Plan to EPA for the implementation of the selected alternative (a "Removal Action Work Plan") and to submit a Quality Assurance Project Plan as part of such Work Plan.

EPA's Approval of Preferred Alternative Memo was issued by EPA on July 28, 2010, and it was provided to Respondents on July 28, 2010. EPA has identified the due date for the Removal Action Work Plan as August 30, 2010.

Respondents request that the deadline for the submission of the Removal Action Work Plan (including the Quality Assurance Project Plan) be extended for a period of fourteen days, to and including September 13, 2010. Since receiving the EPA's Preferred Alternative Memo, Respondents have acted expeditiously to prepare a Removal Action Work Plan. As the result of the need to obtain clarification from EPA regarding a key issue related to the design of the preferred alternative selected in EPA's Approval of Preferred Alternative Memo ("Preferred Alternative"), additional time will be needed to complete and submit the Removal Action Work Plan. Below are the circumstances on which Respondents' request for an extension is based:

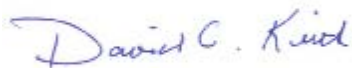
- Respondents received EPA's Approval of Preferred Alternative Memo late on July 28, 2010. The Preferred Alternative was based on one of the alternatives described in the technical memorandum that Respondents had submitted to EPA under Paragraph 45.a of the AOC (Alternative No. 3), but also included an additional design element that was not addressed in the technical memorandum. That additional design element was a requirement that the selected design be engineered to withstand a "100-year storm event."
  - Following receipt and initial review of the EPA's Approval of Preferred Alternative Memo, Respondents promptly requested a conference call with EPA to discuss the Preferred Alternative and to obtain clarification regarding the selected design. Work on the Removal Action Work Plan, which had already been underway for a number of weeks, was continued subject to obtaining clarification regarding the design requirements.
  - The conference call between EPA and Respondents' representatives took place on Tuesday, August 3, 2010. During the call, a face-to-face meeting was scheduled for August 11, 2010 to discuss specific technical issues related to the final design. In advance of the meeting, on August 5, 2010, we distributed to EPA a proposed agenda for the August 11, 2010 meeting. A copy of the email and the proposed agenda is attached and marked as Exhibit A.
  - At the meeting, EPA's reference to a 100-year storm event (vs. a 100-year flow event) in describing the Preferred Alternative was discussed. Respondents requested that EPA clarify whether the Preferred Alternative was intended to withstand a 100-year storm or a 100-year flow event. The significant engineering changes required to complete a design based on a 100-year flow event were also discussed relative to the AOC's deadline for submission of the Removal Action Work Plan.
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- Following the meeting, on Friday, August 13, 2010, EPA issued an e-mail that simply stated that “EPA’s preferred alternative #3 with modifications for TCRA *remains unchanged* . . .” (emphasis in original). A follow-up email with EPA clarified that EPA’s August 13, 2010 email meant that Respondents were required to design the Preferred Alternative to withstand the 100-year flow event. Upon receipt of this email, work began to design the Preferred Alternative based on a 100-year flow event
- Respondents should be in a position to submit the Removal Action Work Plan by Monday, September 13, 2010, which is 31 days from the date of receipt of EPA's August 13, 2010 email.

Under the circumstances, Respondents have worked diligently to comply with the deadline in Paragraph 45.b, but additional time (14 days beyond the current deadline) is required to complete additional engineering and design work with respect to the Preferred Alternative. Based on the circumstances described above, Respondents request an extension of the deadline under Paragraph 45.b of 14 days, to and including September 13, 2010.

Respondents would greatly appreciate a prompt response to this request. Please contact the undersigned or counsel for MIMC if you have any questions regarding this letter.

Sincerely,



David C. Keith  
Anchor QEA, LLC

Attachments

**From:** David Keith  
**Sent:** Tuesday, August 24, 2010 9:04 AM  
**To:** Teri Freitas  
**Subject:** FW: Meeting with EPA to discuss Decision Document  
**Attachments:** Final Draft\_Meeting\_Agenda8\_11\_10.DOC

Here is the email.

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**From:** David Keith  
**Sent:** Thursday, August 05, 2010 4:54 PM  
**To:** 'Leos.Valmichael@epamail.epa.gov'  
**Cc:** 'Sanchez.Carlos@epamail.epa.gov'; 'Tzhone.Stephen@epamail.epa.gov'; 'Nann.Barbara@epamail.epa.gov'; March Smith; Phil Slowiak; Andrew Shafer; Wendell Mears; Steve Ginski; Al Axe; John Cermak; Francis Chin  
**Subject:** RE: Meeting with EPA to discuss Decision Document

Valmichael – Please see the attached Draft Meeting Agenda and let me know if you have any concerns. We understand that Mike Hasen will not be able to participate.

Thanks,  
David

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**From:** David Keith  
**Sent:** Thursday, August 05, 2010 1:30 PM  
**To:** Leos.Valmichael@epamail.epa.gov  
**Cc:** Sanchez.Carlos@epamail.epa.gov; Tzhone.Stephen@epamail.epa.gov; Nann.Barbara@epamail.epa.gov; March Smith; Phil Slowiak; Andrew Shafer; Wendell Mears  
**Subject:** RE: Meeting with EPA to discuss Decision Document

Valmichael – Thanks for setting up this meeting. We are finalizing a draft of the agenda, and I will send it to you before the end of the day. March Smith, Drew Shafer, Phil Slowiak, Wendell Mears (one of our engineers) and I will attend in person. Some of the attorneys would like to listen in by phone and I can provide a call-in number if needed.

MIMC and IP would also like to know if it is possible for Mike Hasen to participate in person, or by phone, because some of the issues we would like to discuss are focused on engineering aspects of the project.

Regards,  
David

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**From:** Leos.Valmichael@epamail.epa.gov [mailto:Leos.Valmichael@epamail.epa.gov]  
**Sent:** Thursday, August 05, 2010 10:18 AM  
**To:** David Keith  
**Cc:** Sanchez.Carlos@epamail.epa.gov; Tzhone.Stephen@epamail.epa.gov; Nann.Barbara@epamail.epa.gov  
**Subject:** Meeting with EPA to discuss Decision Document

David,

Per our conversation the other day with MIMC and IP, EPA is available to meet to discuss concerns or to clarify any language your clients may have from the recent decision document released on July 28, 2010 concerning the EPA preferred alternative for the Time Critical Removal Action at the San Jacinto River Waste Pits superfund site.

Date: Wednesday August 11, 2010

Location: EPA R6 office located at 1445 Ross Ave. Dallas, Texas 75202

Time: from 9am to 11am (conference room TBD)

Invitees: EPA regional representatives ONLY (Barbara Nann, Valmichael Leos, Carlos Sanchez, and Stephen Tzhone), MIMC, IP, and RP representatives (i.e. Anchor QEA)

Purpose of meeting: To clarify any language or concerns with the EPA decision document.

Please send me or my office a list of concerns or questions along with a proposed agenda via email that will be asked in our Wednesday meeting by 12 noon on Monday August 9, 2010. Having this information ahead of time will allow my office to be better prepared to address any specific concerns. I will review your proposed agenda and make any comments by COB Monday August 9, 2010.

Any questions please call me at 214-789-2716.

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Valmichael Leos  
Remedial Project Manager (RPM)  
Remedial Branch LA, NM, OK Team  
US Environmental Protection Agency Region 6  
1445 Ross Ave. (6SF-RL)  
Dallas, Texas 75202  
Office: 214-665-2283  
Fax: 214-665-6660

To report an Environmental Violation, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.html>

## **Exhibit A**

### **Draft Meeting Agenda**

#### **San Jacinto Waste Pits Superfund Site TCRA Decision Document**

**Wednesday, August 11, 2010**

**EPA Region 6 Offices, Dallas, Texas**

**Call in Number: 866-751-5725, \*3602383\***

#### **Purpose:**

To discuss the following key issue raised in the decision document provided by USEPA:

- Using a 100 year return period design flow event to determine armoring sizes for the proposed cover

#### **Meeting Objective:**

To gain a better understanding of the comments related to the above issue and the long-term objectives for the Site, so that the design carried forward in the removal action work plan sufficiently addresses agency and respondent concerns and does not limit the NTCRA or RI/FS alternatives.

#### **Primary Discussion Topics**

- Agency clarification of concerns related to 10 year vs. 100 year design flow events
- Discussion of differences between a 100 year flow event vs. 100 year stage event related to a tropical storm
- Construction implementability issues associated with 10 year and 100 year design flow events
- Schedule and analysis of other potential technologies in Alternative 3